

Application No. 10/523,887  
Second Preliminary Amendment

### **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### **Listing of Claims:**

1. (Previously Presented) A paperboard carton for articles arranged in an end-on-end relationship in at least two layers, the carton having a top panel, a base panel, and a pair of oppositely disposed side panels, an end panel combination provided at each end of the carton to close each end of the carton, and a divider pad provided between the adjacent end-on-end layers of articles and being secured relative to a first end panel combination of the end panel combinations at a first end, a first side panel of the pair of side panels having a removable portion adjacent said first end so as to define a roll-out aperture for article removal when the carton is lying on said first end panel combination.
2. (Previously Presented) The carton of claim 1 wherein the divider pad is secured relative to a second end panel combination of the end panel combinations.
3. (Previously Presented) The carton of claim 1 wherein the first and second end panel combinations comprise a pair of oppositely disposed side end flaps hingedly connected to the side panels and a pair of oppositely disposed main end flaps hingedly connected to the top and base panels respectively.

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4. (Previously Presented) The carton of claim 1 wherein the divider pad has a fold down gluing panel at each secured end.
5. (Previously Presented) The carton of claim 4 wherein the top end flap is folded down last and is adhesively secured to the respective end flaps of the respective end panel combination and to the respective fold down gluing panel.
6. (Previously Presented) The carton of claim 5 wherein a single straight glue line adhesively attaches the top end flap to the other end flaps and gluing panel.
7. (Previously Presented) The carton of claim 6 wherein the base end flap has a central projecting area and the straight glue line is provided on the side end flaps, the gluing panel, the central area of the base end flaps, the gluing panel or the other side end flap.
8. (Previously Presented) The carton of claim 1 wherein said removable portion extends into the top and base panels to aid removal of the articles and also said removable portion is defined by perforations or other lines of weakening.
9. (Previously Presented) The carton of claim 1 wherein the top panel, base panel, two side and two end panel combinations are substantially rectangular.

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10. (Previously Presented) The carton of claim 1 wherein at least one cut extends partway to the end adjacent the removable portion.

11. (Previously Presented) The carton of claim 10 wherein two cuts extend along the folds between one said side panel and the top and base panels respectively.

12. (Previously Presented) The carton of claim 10 wherein a transverse cut is provided at a terminus of each said at least one cut remote from the removable portion.

13. (Previously Presented) A blank capable of being formed into a paperboard carton for articles arranged in an end-on-end relationship in at least two layers, the blank having a top panel, a base panel, and a pair of oppositely disposed side panels, an end panel combination provided at each end of the carton to close each end of the carton, and a divider pad provided between the adjacent end-on-end layers of articles and being secured relative to a first end panel combination of the end panel combinations at a first end, a first side panel of the pair of side panels having a removable portion adjacent said first end so as to define a roll-out aperture for article removal when the carton is lying on said first end panel combination.

14. (Previously Presented) The blank of claim 13 wherein the divider pad is secured relative to a second end panel combination of the end panel combinations.

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15. (Previously Presented) The blank of claim 13 wherein the first and second end panel combinations comprise a pair of oppositely disposed side end flaps hingedly connected to the side panels and a pair of oppositely disposed main end flaps hingedly connected to the top and base panels respectively.

16. (Previously Presented) The blank of claim 13 wherein the divider pad has a fold down gluing panel at each secured end.

17. (Previously Presented) The blank of claim 13 wherein said removable portion extends into the top and base panels to aid removal of the articles and also said removable portion is defined by perforations or other lines of weakening.

18. (Previously Presented) The blank of claim 13 wherein the top panel, base panel, two side and two end panel combinations are substantially rectangular.

19. (Previously Presented) The blank of claim 13 wherein at least one cut extends partway to the end adjacent the removable portion.

20. (Previously Presented) The blank of claim 19 wherein two cuts extend along the folds between one said side panel and the top and base panels respectively.

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21. (Previously Presented) The blank of claim 19 wherein a transverse cut is provided at a terminus of each said at least one cut remote from the removable portion.

22. (New) An enclosed carton for a plurality of cylindrical containers in a plurality of rows, including a first row and a second row adjacent and above the first row, the carton comprising:

- a. a top panel, two side panels, a bottom panel, and two closed ends, at least one of which is an exiting end;
- b. top and bottom tear lines that extend across the exiting end and into at least one of the side panels and meet each other in the at least one side panel, the tear lines defining an opening flap which is at least partially detachable from the carton along the tear lines to create an opening between the tear lines;
- c. the bottom tear line being spaced above the bottom panel;
- d. the top and bottom tear lines being located that when the opening flap is at least partially removed:

- (1) the container in the first row which is adjacent the exiting end and the container in the second row which is adjacent the exiting end are both prevented from rolling out of the carton, and
- (2) the container in the second row which is adjacent the exiting end can be removed from the carton through the opening prior to removal of the container in the first row which is adjacent the exiting end.

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23. (New) The carton of claim 22, wherein the top and bottom tear lines extend into both side panels, and meet each other in both side panels.

24. (New) The carton of claim 23, wherein at least a part of each end of the container in the second row which is adjacent the exiting end is exposed when the opening flap is removed, whereby said container ends may be grasped to remove the container in the second row which is adjacent the exiting end from the carton through the opening.

25. (New) The carton of claim 22, wherein when the opening flap is removed, a stop wall prevents the container in the first row adjacent the exiting end from rolling out of the carton.

26. (New) The carton of claim 25, including at least one flap means capable of creating a flap from a portion of the stop wall; the flap being capable of flexing outwardly to ease container removal from the carton.

27. (New) The carton of claim 26, wherein the flap means includes at least one cut about which the flap is flexed.

28. (New) The carton of claim 22, including a handle in the top panel.

29. (New) The carton of claim 22, wherein a means for removing the opening flap is located at least partially in an area of the side panel that forms a part of the opening flap.

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30. (New) The carton of claim 22, wherein the containers are cans.

31. (New) An enclosed carton for cylindrical containers arranged in a plurality of rows, including a first row and a second row adjacent and above the first row, the carton comprising:

- a. a top panel, two side panels, a bottom panel, and two closed ends, one of which is an exiting end;
- b. top and bottom tear lines, each extending across the exiting end from one side panel to the other;
- c. the portion of the exiting end between the two tear lines forming an opening flap which is at least partially removable to create an opening;
- d. the top and bottom tear lines each being at a sufficient height above the bottom panel to retain all the containers in the carton when the opening is created; and
- e. the top and bottom tear lines being so positioned and having a sufficient distance between them to permit a container from the second row to be removed through the dispenser opening prior to removal of a container from the first row.

32. (New) The carton of claim 31, wherein the bottom tear line has a sufficient height above the bottom panel to prevent any containers in the first row from automatically rolling out of the opening when the carton is disposed on a horizontal plane.

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33. (New) The carton of claim 31, wherein the top tear line has a sufficient height above the bottom panel to prevent any containers in the second row from automatically rolling out of the opening when the carton is disposed on a horizontal plane.

34. (New) The carton of claim 31, wherein the top and bottom tear lines extend into at least one side panel and meet each other in the at least one side panel, thereby defining a portion of the side panel that is removable as a part of the opening flap.

35. (New) The carton of claim 34, wherein the portion exposes at least a part of an end of a container in the second row when the opening flap is removed.

36. (New) The carton of claim 34, wherein a means for removing the opening flap is located at least partially in said portion of the at least one side panel.

37. (New) The carton of claim 31, wherein when the opening flap is removed, a stop wall prevents the container in the first row adjacent the exiting end from rolling out of the carton.

38. (New) The carton of claim 37, including at least one flap means capable of creating a flap from a portion of the stop wall; the flap being capable of flexing outwardly to ease container removal from the carton.



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39. (New) The carton of claim 38, wherein the flap means includes at least one cut about which the flap is flexed.

40. (New) The carton of claim 31, including a handle in the top panel.

41. (New) The carton of claim 31, wherein the containers are cans.

42. (New) An enclosed carton for carrying a plurality of cylindrical containers in a plurality of rows, including a first row, and a second row adjacent and above the first row, with each container having a diameter and two ends, the carton comprising:

- a. a bottom panel, top panel and foldably attached adjoining side panels;
- b. a plurality of ends, at least one of which is an exiting end capable of permitting the containers to exit the carton one at a time, said exiting end having a bottom tear line and a top tear line extending thereacross for forming an opening, said bottom tear line having a height from said bottom panel that is sufficient to prevent any container in the first row from automatically exiting when said opening is created when the carton is on a horizontal plane, said top tear line having a height from said bottom panel that is greater than the diameter of one of the containers to be contained in the first row of containers and at a sufficient height from said bottom panel to prevent any container in the second row from automatically rolling out when the carton is disposed on a horizontal plane;

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- c. said top and bottom tear lines extending into at least one of said side panels and turning towards each other a sufficient distance to permit said top and bottom tear lines to be separated to expose each said end of a container in the second row adjacent said exiting end; and
- d. means for closing any end of the carton that is not the exiting end.

43. (New) The carton of claim 42 including at least one means for creating the opening located between said top and bottom tear lines.

44. (New) The carton of claim 42 in which the sufficient distance permits a container in the second row adjacent said exiting end to be grasped for removal from the carton.

45. (New) The carton of claim 44 including at least one means for creating the opening located between said top and bottom tear lines.

46. (New) The carton of claim 45 in which said means is located at least partially in at least one of the side panels.

47. (New) The carton of claim 42, wherein when the opening flap is removed, a stop wall prevents the container in the first row adjacent the exiting end from rolling out of the carton.

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48. (New) The carton of claim 47, including at least one flap means capable of creating a flap from a portion of the stop wall; the flap being capable of flexing outwardly to ease container removal from the carton.

49. (New) The carton of claim 48, wherein the flap means includes at least one cut about which the flap is flexed.

50. (New) The carton of claim 42, including a handle in the top panel.

51. (New) An enclosed carton for carrying a plurality of cylindrical containers in a plurality of rows, including a first row, and a second row adjacent and above the first row, with each container having a diameter and two ends, the carton comprising:

- a. a bottom panel, top panel and foldably attached adjoining side panels;
- b. a plurality of ends, at least one of which is an exiting end capable of permitting the containers to exit the carton one at a time, said exiting end having a bottom end flap which is attached by a fold line to the bottom panel, a top end flap foldably attached to the top panel, side end flaps foldably attached to each side panel and means for attaching all said flaps together to close the exiting end of carton;
- c. said exiting end having a bottom tear line and a top tear line formed in each side end panel and extending thereacross for forming an opening, said bottom tear line having a height from said bottom panel that is sufficient to prevent any container in the first row from automatically exiting when said opening is created when the carton is on a horizontal plane, said

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top tear line having a height from said bottom panel that is greater than the diameter of a container to be contained in said first row of containers and at a sufficient height from said bottom panel to prevent any container in the second row from automatically exiting the carton when the carton is on a horizontal plane;

d. said top and bottom tear lines extending into at least one of said side panels and turning towards each other a sufficient distance to permit said top and bottom tear lines to be separated to expose at least the end of a container in the second row adjacent said exiting end; and

e. means for closing any end of the carton that is not the exiting end.

52. (New) The carton of claim 51 in which the sufficient distance permits the exposed container ends in the second row adjacent said exiting end to be grasped to remove the exposed container from the carton.

53. (New) The carton of claim 52 including a means for creating the opening located at least partially in said side panel.

54. (New) The carton of claim 51, wherein when the opening flap is removed, a stop wall prevents the container in the first row adjacent the exiting end from rolling out of the carton.

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55. (New) The carton of claim 54, including at least one flap means capable of creating a flap from a portion of the stop wall; the flap being capable of flexing outwardly to ease container removal from the carton.

56. (New) The carton of claim 55, wherein the flap means includes at least one cut about which the flap is flexed.

57. (New) The carton of claim 51, including a handle in the top panel.

58. (New) A method for dispensing a cylindrical container from an opening in an enclosed carton that contains a plurality of cylindrical containers in a plurality of rows, including a first row, and a second row adjacent and above the first row, with each said container having a diameter and two ends, said carton having two ends with one end being an exiting end, the carton including

- a. a bottom panel, top panel and foldably attached adjoining side panels;
- b. said exiting end having a bottom and a top tear line extending thereacross for forming the opening, said bottom tear line having a height from said bottom panel that is less than the diameter of a container in the first row, but at a sufficient height to prevent any container in the first row from automatically exiting when said opening is created when the carton is on a horizontal plane, said top tear line having a height from said bottom panel that is greater than the diameter of a container to be contained in the first row of containers and at a sufficient height

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from said bottom panel to prevent any container in the second row from automatically exiting the carton when the carton is on a horizontal plane;

c. said top and bottom tear lines extending into said side panels a sufficient distance and turning toward each other a sufficient distance to permit said top and bottom tear lines to be separated to expose the ends of a container in the second row adjacent said exiting end to permit grasping and removal of the container in the second row adjacent said exiting end from the carton; said method comprising:

placing the carton so that the bottom panel is in an approximately horizontal plane,  
separating said top and bottom tear lines to create the opening,  
grasping the ends of a container in the second row adjacent the dispenser opening, and  
removing the container from the carton through the opening.

59. (New) The method of dispensing of claim 58, wherein the carton further includes a stop wall that prevents the container in the first row adjacent the exiting end from rolling out of the carton and wherein the stop means includes at least one flap means with at least one cut, the method further comprising:

flexing the flap means about the cut to ease removal of a container from the carton.